

AN ACT

relating to certain oversize and overweight permits issued by the Texas Department of Transportation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 623, Transportation Code, is amended by adding Section 623.0181 to read as follows:

Sec. 623.0181. PERMITS FOR AUXILIARY POWER UNITS. The department may issue a permit that authorizes the operation of a commercial motor vehicle, trailer, semitrailer, or combination of those vehicles, or a truck-tractor or combination of a truck-tractor and one or more other vehicles, that exceeds the maximum weight limit as set by the department due to the presence of an auxiliary power unit that allows the vehicle to operate on electricity or battery power if the department finds that such an exemption would reduce nitrogen oxide emissions.

SECTION 2. Subchapter D, Chapter 623, Transportation Code, is amended by adding Section 623.0711 to read as follows:

Sec. 623.0711. PERMITS AUTHORIZED BY COMMISSION. (a) The commission by rule may authorize the department to issue a permit to a motor carrier, as defined by Section 643.001, to transport multiple loads of the same commodity over a state highway if all of the loads are traveling between the same general locations.

(b) The commission may not authorize the issuance of a permit that would allow a vehicle to:

1 (1) violate federal regulations on size and weight
2 requirements; or

3 (2) transport equipment that could reasonably be
4 dismantled for transportation as separate loads.

5 (c) The commission rules must require that, before the
6 department issues a permit under this section, the department:

7 (1) determine that the state will benefit from the
8 consolidated permitting process; and

9 (2) complete a route and engineering study that
10 considers:

11 (A) the estimated number of loads to be
12 transported by the motor carrier under the permit;

13 (B) the size and weight of the commodity;

14 (C) available routes that can accommodate the
15 size and weight of the vehicle and load to be transported;

16 (D) the potential roadway damage caused by
17 repeated use of the road by the permitted vehicle;

18 (E) any disruption caused by the movement of the
19 permitted vehicle; and

20 (F) the safety of the traveling public.

21 (d) The commission rules may authorize the department to
22 impose on the motor carrier any condition regarding routing, time
23 of travel, axle weight, and escort vehicles necessary to ensure
24 safe operation and minimal damage to the roadway.

25 (e) A permit issued under this section may provide multiple
26 routes to minimize damage to the roadways.

27 (f) The commission shall require the motor carrier to file a

1 bond in an amount set by the commission, payable to the department
2 and conditioned on the motor carrier paying to the department any
3 damage that is sustained to a state highway because of the operation
4 of a vehicle under a permit issued under this section.

5 (g) An application for a permit under this section must be
6 accompanied by the permit fee established by the commission for the
7 permit, not to exceed \$9,000. The department shall send each fee to
8 the comptroller for deposit to the credit of the state highway fund.

9 (h) In addition to the fee established under Subsection (g),
10 the commission rules must authorize the department to collect a
11 consolidated permit payment for a permit under this section in an
12 amount not to exceed 15 percent of the fee established under
13 Subsection (g), to be deposited to the credit of the state highway
14 fund.

15 (i) The executive director of the department or the
16 executive director's designee may suspend a permit issued under
17 this section or alter a designated route because of:

- 18 (1) a change in pavement conditions;
19 (2) a change in traffic conditions;
20 (3) a geometric change in roadway configuration;
21 (4) construction or maintenance activity; or
22 (5) emergency or incident management.

23 (j) A violation of a permit issued under this section is
24 subject to the administrative sanctions of Subchapter N.

25 (k) In this section, "commission" means the Texas
26 Transportation Commission.

27 SECTION 3. Section 623.071, Transportation Code, is amended

1 by adding Subsection (h) to read as follows:

2 (h) If on completion of a route and engineering study the
3 department determines that the additional length can be transported
4 safely, the department may issue to a person a single trip permit
5 that allows the person to operate over a highway in this state
6 superheavy or oversize equipment exceeding the length limitation
7 established by Subsection (c) and that may be used in conjunction
8 with an annual permit issued under that subsection.

9 SECTION 4. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2011.

H.B. No. 422

David Newhall

President of the Senate

Joe Straus

Speaker of the House

I certify that H.B. No. 422 was passed by the House on March 30, 2011, by the following vote: Yeas 146, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 422 on May 27, 2011, by the following vote: Yeas 128, Nays 10, 2 present, not voting.

Robert Hanes

Chief Clerk of the House

I certify that H.B. No. 422 was passed by the Senate, with amendments, on May 25, 2011, by the following vote: Yeas 31, Nays 0.

Lately Spaw

Secretary of the Senate

APPROVED:

17 Jun '11

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

4pm O'CLOCK

JUN 17 2011

John Radabaugh

Secretary of State